

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, APRIL 26, 2001  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman, Vice Chair  
Larry Hudkins  
Linda Steinman  
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, APRIL 19, 2001**

**MOTION:** Heier moved and Steinman seconded approval of the Staff Meeting minutes of Thursday, April 19, 2001. Heier, Workman, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Request from Larry Van Hunnik, Lancaster Manor Administrator, to Serve on the Nebraska Health Care Association's Executive Committee
- B. Agricultural Land Valuations
- C. Letter from Charles Willnerd, Lancaster County Agricultural Society

**MOTION:** Steinman moved and Hudkins seconded approval of the additions to the agenda. Steinman, Hudkins, Workman and Campbell voted aye. Heier was absent from voting. Motion carried.

### 3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O The Governor's Office is drafting an amendment to address some of Senator Beutler's concerns regarding LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act). Kissel noted that Senator Beutler is concerned with duplication and also wants general standards written into the bill.
- O Efforts continue to schedule LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings) on the agenda.
- O LB 659 (adopts the DNA Testing Act) was advanced to Select File.
- O Senator Landis has altered his amendment to LB 465 (changes and eliminates Tax Equalization and Review Commission appeal procedures) to provide counties the option of having the Attorney General represent their interests. Kissel noted that Senator Landis is unwilling to make any changes to his amendment on the issue of standards for appeal and wants language requiring a preponderance of evidence standard in statute. He said this amendment has the support of the Revenue Committee.
- O There is no indication of when LB 142 (authorizes creation of municipal counties) will be heard.

Hudkins reported that Speaker of the Legislature Kristensen voted against LB 142 and said all of the members of Lancaster County's senate delegation voted to advance the bill, with the exception of Senator Hudkins, who voted against the bill, and Senator Beutler, who was shown as non-voting.

Hudkins asked "Is this Board prepared to do away with county commissioners and the elected officers of the County?" He said "that is what LB 142 will allow to happen" and urged the Board to oppose the bill.

Steinman said there will still be elected officials, although they may have a different name. She said "I think people are going to see this as a way to understand government better, because there are fewer layers."

Hudkins said the concept may make sense in integrated, municipal areas where one city virtually covers the county but expressed concern that rural areas will have less of a voice if the current system of government is "done away with" in Nebraska.

Steinman said the language is permissive and citizens would need to vote to change their form of government.

Campbell said she believes the Board should remain neutral on the bill. She said Lancaster County has utilized interlocal agreements effectively so its citizens probably “won’t move to do anything with this”, but said she doesn’t want to prevent other counties and municipalities from using it as a tool to merge and make services more efficient.

Eagan also noted these concerns with the bill:

- O Did not mention formation of a Joint Public Agency (JPA) as an alternative to consolidation
- O Does not say the Interjurisdictional Planning Commission (IPC) is subject to open meetings laws
- O Ramifications for the County’s retirement system (see Nebraska Revised Statute § 23-1118)
- O Annexation by villages and cities that join the municipal county
- O Complicated ratios for valuing services previously supplied by a county to a village or city
- O Accounting for statutory duties for those elected officials that may be eliminated by the Interjurisdictional Planning Commission (IPC)

The Board asked that a written list of concerns be sent to Senator Schimek, Chair of the Legislature’s Government, Military and Veterans Affairs Committee, with copies to Lancaster County’s senators.

- 4 COUNTY ROAD PROJECT AT NORTHWEST 70<sup>TH</sup> AND ADAMS AND SUPERIOR STREETS** - Don Thomas, County Engineer; James Griesen, University of Nebraska at Lincoln (UNL) Chancellor for Student Affairs; Stan Campbell, UNL Assistant Vice Chancellor for Student Affairs and Director of Campus Recreation; Christine Jackson, UNL Vice Chancellor for Business and Finance

Stan Campbell, University of Nebraska at Lincoln (UNL) Assistant Vice Chancellor for Student Affairs and Director of Campus Recreation, explained UNL’s plans to construct a challenge course on Northwest 70<sup>th</sup> between Adams and Superior Streets. He noted that plans are to open by August, 2001 and estimated that there will be 12,000 to 15,000 uses of the course each year. The course is designed to serve 150-200 individuals at one time and will probably be open 7 days a week during the summer months. Campbell said mode of transportation to the site will vary and will probably include buses, vans and individual cars. Road improvements are needed as soon as possible, as rain makes the road nearly impassible.

Hudkins remarked that the road has been a long-time problem. He asked the County Engineer whether sufficient funds remain in the budget to improve the road and requested a time and cost estimate.

Don Thomas, County Engineer, said any funds remaining are from delayed projects. He estimated that it will cost \$200,000 to grade and rock the road and said it will take 9-12 months to complete the work, noting that is a fast-track estimate.

Hudkins said he believes the adjacent landowners will be willing to donate the necessary right-of-way.

Steinman asked whether UNL could assist with the road improvement costs, perhaps through student fees.

Stan Campbell, UNL, said it would mean delaying other projects.

Workman suggested temporary measures such as trimming tree overhang back to speed up drying of wet road conditions and laying gravel in the low road areas.

Hudkins said any material put on as a short-term solution would be lost when the road is re-graded.

Campbell asked whether this could be substituted for another project in the One and Six Year Road and Bridge Improvement Program.

Hudkins said he would be willing to interject \$200,000 into next year's budget to pay for the project, rather than bump another project.

Thomas suggested that his department be allowed to proceed with the engineering work and leave prioritization of projects until the time of the department's budget hearing.

**MOTION:** Hudkins moved and Heier seconded to authorize the County Engineer to proceed with engineering work for the project. Hudkins, Heier, Workman, Campbell and Steinman voted aye. Motion carried.

**5 COUNTY ZONING VIOLATION AT LEAFORD BURNETT PROPERTY -**  
Mike Merwick, Building & Safety Director; Mel Goddard, Building & Safety;  
Kathleen Sellman, Planning Director

Mike Merwick, Building & Safety Director, said the County Attorney's Office has advised his department to handle the zoning violation on the Leaford Burnett property at North 14<sup>th</sup> Street and Rock Creek Road as it would any other violation and has indicated that it won't be necessary to seek new legislation.

Mel Goddard, Building & Safety, distributed a list of other contacts made in the County relative to illegal operations or improper zoning (Exhibit B).

Hudkins asked the status of a violation on 1<sup>st</sup> and McKelvie Road.

Goddard said an auction has been scheduled.

Campbell inquired about an illegal salvage operation in the Yankee Ridge Subdivision.

Goddard said the owner has purchased a pre-existing salvage yard in Emerald and will be relocating salvage vehicles from his residence in the Yankee Ridge Subdivision and from another property he owns in Cheney. The court has granted the owner a 60 day extension for the move.

Workman asked Kathleen Sellman, Planning Director, whether Lancaster County's regulations are too restrictive.

Sellman said "I think you've found a good balance."

**6 RETIREMENT/REHIRE POLICY** - Georgia Glass, Personnel Director; Terry Wagner, Lancaster County Sheriff; Diane Staab, Deputy County Attorney

Georgia Glass, Personnel Director, explained that the Sheriff's Department has a deputy who plans to retire and would like to rehire him as a part-time security officer in the Justice and Law Enforcement Center. She said the deputy would like to access his retirement fund and would need to separate from service to do so. Glass explained that the employee will be on probation for six months once he is rehired. She said employees are ineligible for insurance benefits during the probationary period and asked whether the County Board would be willing to adopt a policy to address a retirement situation, noting there will be ramifications for other employees.

Diane Staab, Deputy County Attorney, recommended a payout of vacation and sick leave benefits, noting accrual will start over once he is rehired.

The Board asked Staab to prepare a resolution for action at a County Board of Commissioners Meeting, and directed that the policy limit the time period in which an employee may retire and be rehired for a different position without loss of insurance benefits to six months.

**ADDITIONS TO THE AGENDA**

- A. Request from Larry Van Hunnik, Lancaster Manor Administrator, to Serve on the Nebraska Health Care Association's Executive Committee (Exhibit C)

**MOTION:** Heier moved and Steinman seconded to allow Larry Van Hunnik, Lancaster Manor Administrator, to serve on the Nebraska Health Care Association's Executive Committee. Heier, Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

B. Agricultural Land Valuations

Hudkins reported that Catherine Lang, Property Tax Administrator, sent Mark Reynolds, Nebraska Tax Equalization and Review Commission Chairman, a letter indicating Lancaster County is at 66 percent of market value (Exhibit D). He said Robin Hendricksen, Chief Administrative Deputy Assessor, said this was based on misinformation and reported that Lancaster County is actually at 74 percent of market value.

C. Letter from Charles Willnerd, Lancaster County Agricultural Society President

Campbell read a letter from Charles Willnerd, Lancaster County Agricultural Society President, into the record (Exhibit E). The letter thanked the Board for its support and indicated that the Ag Society will modify its construction fund to allocate \$65,000 in funds, previously earmarked for the Havelock Avenue paving project, to the cost of fire code changes for the two pavilions.

**7 PENDING LITIGATION** - Bob Bartle, Attorney

**MOTION:** Heier moved and Hudkins seconded to enter Executive Session at 10:37 a.m. for discussion of pending litigation. Heier, Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

**MOTION:** Heier moved and Steinman seconded to exit Executive Session at 10:53 a.m. Heier, Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

**8 PAVILION & EVENTS CENTER** - Paul Ramirez, Pavilion & Events Center Executive Director; Glen Keetings, Pavilion & Events Center Operations Director; Kathleen Sellman, Planning Director; Mike DeKalb, Planning Department; Ann Harrell, Administrative Assistant to the Mayor; JoAnne Kissel, Sinclair Hille & Associates Inc.

Paul Ramirez, Pavilion & Events Center Executive Director, briefed the Board on plans for a Pavilion and Events Center, with a total capacity of 22,000, which he said will be an outdoor amphitheater, an events center, an indoor theater, an arts park, conference center and Nebraska "Point of Interest" (Exhibit F). He noted that over 60 large events currently take place on the streets of Lincoln and said a permanent festival site would provide these events with grass, water fountains, shade and other amenities and would be a safer environment. There are also plans to work with organizations within the community to produce flagship events. Ramirez said locating the facility outside the city limits will allow for plenty of room and impact the fewest amount of people. He said a suitable piece of property has been located near Southwest 29<sup>th</sup> Street and West Saltillo Road, but negotiations have not taken place.

In response to a question from Campbell, Ramirez said the approval process is anticipated to take 3-6 months. Construction is slated to begin in the spring of 2002 and the season series could start in late June or early July.

Campbell asked about the projected cost.

Ramirez said it will cost \$4.6 million, based on the concept drawings. He said the funds for construction will be raised privately and said the facility will be a self-supporting entity once initial construction costs are covered.

Hudkins asked about plans for road improvements.

Ramirez said plans include one mile of gravel road from the event site to where gravel starts on Saltillo Road; one half mile of gravel road south on 29<sup>th</sup> Street, connecting with Highway 33; and approximately two miles of road north from Saltillo Road to the Denton Road. He said his organization plans to work with the County on improving those roads. Ramirez noted that he recently attended a public hearing on the beltway selection and said the proposed "cloverleaf" at Highway 77 and Saltillo Road could also help address traffic concerns.

Campbell said she does not believe gravel would be a safe solution with the amount of traffic the facility would generate and said the group needs to consider paving the entire area.

Ann Harrell, Administrative Assistant to the Mayor, voiced concern that these plans were not part of the recent Entertainment Market Study (a study of the hospitality, convention and entertainment business in Lincoln and Lancaster County conducted by KPMG of St. Petersburg, Florida). She said she is also concerned with the size of the facility and its impact on existing and future, publicly supported facilities within the city limits.

Ramirez said he was interviewed by KPMG for Phase II of the study. He noted that his request for a list of the promoters KPMG contacted about facility size and capacity was refused and added that he strongly disagrees with the study's recommendation of a 10,000 seat facility for Lincoln.

Steinman asked whether the adjacent landowners were contacted to see how they felt about plans for the facility.

Ramirez said the plans were reported in the media before he had a chance to do so.

Hudkins asked whether the groundwater system will support wells of this magnitude.

Ramirez said the Lincoln/Lancaster County Health Department has indicated that there is ample water in the area.

Campbell asked whether the Planning Department has been consulted.

Mike DeKalb, Planning Department, said there have been a couple of contacts, but said there have been no pre-set conferences.

Ramirez said his organization has been gathering preliminary information to determine whether this site will work, but said plans for the facility and organization structure are very advanced.

Campbell recommended that Ramirez meet with the Planning Department and those involved with the Entertainment Market Study.

Ramirez asked how the Board perceives the concept of a permanent festival site.

Campbell said it would not be appropriate for the Board to respond to his question at this time, noting there are a number of issues that will need to be addressed including zoning designation, roads, water, sewer and law enforcement.

**9 CANONGATE ROAD PAVING AND DRAINAGE - Don Thomas, County Engineer**

Don Thomas, County Engineer, explained that the City of Waverly has countered the County's offer to:

- Option 1 - County will pay the entire cost of the paving project (cost originally intended to be split equally with Waverly) if Waverly agrees to pay the cost of installing the 66" culvert under Canongate Road
- Option 2 - County will share equally in the cost of the paving project and in the cost of installing pipe at three locations

Thomas said Doug Rix, Waverly City Administrator/Clerk, has indicated that Waverly would like the County to split the cost of paving Canongate Road from Jamestown to Oldfield and improve culverts at two locations. Waverly would then pay for two 54" culverts under Oldfield Road.

Board consensus to discuss the matter further with Waverly Mayor Ron Melbye.

**10 ACTION ITEMS**

- A. Letter to Harold Clarke, Department of Correctional Services Director, Regarding Office of Community Justice (OCJ) Grant

Kit Boesch, Human Services Administrator, appeared and said Lancaster County applied for \$120,000 in Office of Community Justice (OCJ) Grant funds to pilot a day reporting center for adult offenders and indicated that it was prepared to over match the request. She said OCJ has awarded Lancaster County \$30,000 - \$40,000 in the past and may award even less this year, which won't be sufficient to run the program. Boesch proposed that a letter be sent to Harold Clarke, Department of Correctional Services Director, with a carbon copy to Governor Johanns, asking that he encourage full funding of the proposal.

Steinman expressed concern that the County will put up the entire match but the State will see the larger benefit.

Campbell said she does not believe the County should ask for intervention at this point, noting the lack of fairness to other grant applicants.

The Board did not authorize the letter to be sent.

## 11 CONSENT ITEMS

- A. Authorize Kerry Eagan, Chief Administrative Officer, to Sign Proxy for Nationwide Retirement Systems

**MOTION:** Steinman moved and Workman seconded approval. Steinman, Workman, Heier, Hudkins and Campbell voted aye. Motion carried.

## 12 ADMINISTRATIVE OFFICER REPORT

- A. Schedule Working Session with the Planning Department on Comprehensive Plan Rural Issues

The Board scheduled a working session on May 15, 2001 from 9-11 a.m.

- B. Union Pacific Request to Abandon Railroad Track from Jamaica Industrial Lead North to Lincoln

Eagan said the Parks & Recreation Department is interested in this line, which runs along Wilderness Park.

The Board referred the request to the Planning Department.

- C. Placement of Expediter at Families First & Foremost (F<sup>3</sup>) Office Under the Supervision of Gus Hitz, Assessment Center Director

The Board tabled the item and requested further clarification.

- D. Federal Emergency Management Agency/Nebraska Environmental Trust Grants

Eagan reported on a meeting held to identify parcels in the floodplain south of Wilderness Park that could serve as flood storage. These parcels would be acquired through purchase or through conservation easements with funds received from a Federal Emergency Management Agency(FEMA) Mitigation Grant and a grant from the Nebraska Environmental Trust (NET).

- E. Invitation for Commissioner Hudkins serve on the Volunteer Connection Board

Hudkins indicated that he will decline the invitation, due to other time commitments.

### **13 DISCUSSION OF BOARD MEMBER MEETINGS**

#### **A. Lower Platte South Natural Resources District (NRD) - Workman**

Report was given at the April 19, 2001 Staff Meeting.

#### **B. Families First & Foremost (F<sup>3</sup>) Conveners Group - Heier**

Heier said discussion focused on the new management scheme, noting there was a proposal to put the Assessment Center under F<sup>3</sup>. He added that he would like to see the Assessment Center conduct some trial runs.

#### **C. Railroad Transportation Safety District - Hudkins, Steinman and Workman**

Steinman said the major task was to approve the final alignment for the 3<sup>rd</sup> Street overpass.

### **14 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk